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October 7, 2005

## BY E-FILE AND HAND DELIVERY

The Honorable Gregory M. Sleet  
 United States District Court for the District of Delaware  
 844 King Street  
 Wilmington, DE 19801

Re: Enzon Pharmaceuticals, Inc. v. Phoenix Pharmacologics, Inc., C.A. No. 04-1285-GMS

Dear Judge Sleet:

I write on behalf of plaintiff Enzon Pharmaceuticals, Inc. ("Enzon") to set forth the joint agenda for the discovery teleconference set for October 11, 2005 at 2:00 PM. The disagreement between the parties to be presented to the Court concerns two issues:

- (1) Document numbers 105-114 on Phoenix's privilege log.
- (2) Enzon's production of document E016067-73, refusal to allow Phoenix to conduct follow up depositions of persons identified in that document, and the scope of waiver of privilege flowing from production of that document.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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The parties have met and conferred, but were unable to resolve these issues.

Respectfully Submitted,



Karen E. Keller (#4489)

cc: Clerk of the Court (by electronic filing)  
Richard D. Kirk, Esquire (by electronic filing & hand delivery)  
Joseph Lucci, Esquire (by facsimile)  
Michael A. Siem, Esquire (by electronic mail)